

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

| | | |
|--|---|---------------------------|
| Charlotte Ann Smith, |) | C/A No.: 0:10-882-JFA-JRM |
| |) | |
| Plaintiff, |) | |
| v. |) | ORDER |
| |) | |
| Chase Bank and Mortgage; Bank of America; |) | |
| National Association, as Successor by Merger |) | |
| to LaSalle Bank, as Trustee for Certificate |) | |
| Holders of EMC Mortgage Loan Trust 2005-A |) | |
| Mortgage Loan Pass-Through Certificates |) | |
| Series 2005-A; Guardian Fidelity Mortgage, |) | |
| Inc. American NA and their members or |) | |
| shareholders; President and CEO Howard |) | |
| Wright; Assistant Manager Stacy Youngblood, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

This matter is before the Court for review of the Magistrate Judge's Report and Recommendation (ECF No. 78) on the plaintiff's request to have this case dismissed.

The pro se plaintiff, Charlotte Ann Smith, brought this action in the Court of Common Pleas in York County as a result of financial transactions she entered into with the defendants related to a parcel of real estate she attempted to develop. The defendants removed the case to federal court on April 8, 2010 ("Smith I"). After this action was removed, the plaintiff filed an additional case in York County which listed similar causes of action against almost all of the same defendants. That case was removed to federal court on December 14, 2010 ("Smith II").

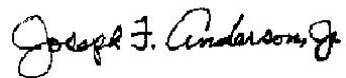
In various pleadings, the plaintiff has requested that Smith I be dismissed, not

consolidated with Smith II, and she will go forward with Smith II only. The Magistrate Judge assigned to this action¹ has prepared a thorough Report and Recommendation and opines that the plaintiff's request should be granted. The plaintiff was advised of her right to file objections to the Report and Recommendation, which was entered on the docket on July 6, 2011. However, neither party filed objections

After carefully reviewing the record in this case and the Report and Recommendation, this Court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. The Report is incorporated herein by reference. Accordingly, the plaintiff's request to dismiss this case is granted.

IT IS SO ORDERED.

July 27, 2011
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. Mathews v. Weber, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b)(1).